

### **Remarks**

Claims 1-8 have been canceled and new claims 9-16 have been added. In the Office Action dated December 30, 2002, the Examiner rejected claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner also rejected claims 1-8 under 35 U.S.C. § 101 as non-statutory subject matter. The Examiner also rejected claims 1-8 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,424,949 to Deaton *et al.*, or U.S. Patent Application No. 2002/0073019 to Deaton. The Examiner also rejected claims 1-3 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Nos. 6,145,738 and 6,045,039 to Stinson *et al.* or by U.S. Patent No. 6,464,134 to Page. The Examiner also rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 4,187,498 or 4,109,238 to Creekmore. Applicants disagree with the Examiner's rejections.

#### **Rejections Under 35 U.S.C. § 112**

Claims 1-4 were rejected under § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention." This rejection is moot as these claims have been canceled. Despite the claim rewrite, which Applicants have done solely to increase the clarity of the claims, Applicants believe that the original claims were patentable.

#### **Rejections Under 35 U.S.C. § 101**

Claims 1-8 were rejected under § 101 as "directed to non-statutory subject matter." The Supreme Court has construed §101 broadly, noting that Congress intended statutory subject matter to "include anything under the sun that is made by man." See Diamond v. Chakrabarty, 447 U.S. 303, 309 (1980). However, the Court has identified three categories of unpatentable subject matter: laws of nature, natural phenomena, and abstract ideas. See Diamond v. Diehr, 450 U.S. 175, 185 (1981). The subject matter of this application is neither a law of nature nor a natural phenomena. Moreover, the Court of Appeals for the Federal Circuit has specified that "abstract ideas constituting disembodied concepts or truths are not useful" and "that to be patentable an algorithm must be applied in a useful way." State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368, 1373 (Fed. Cir. 1998); see also AT&T Corp. v. Excel Communications, Inc. et al., 172 F.3d 1352 (Fed. Cir. 1999).

It is beyond doubt that the subject matter of Applicants' invention is not an abstract idea constituting disembodied concepts or truths. Further, it is clear that whatever algorithm may be included in Applicants' invention, such an algorithm is applied in a useful way. As the methods and system claimed in this application have practical utility, they are encompassed in the §101 definition of statutory subject matter. See State Street Bank & Trust Co., 149 F.3d at 1375.

### **Rejections Under 35 U.S.C. § 102**

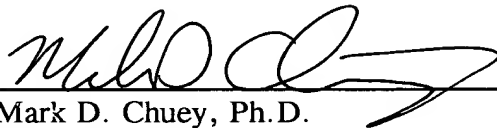
The Examiner rejected claims 1-8 under 35 U.S.C. § 102(a) as being clearly anticipated by Deaton *et al.*, U.S. Patent No. 6,424,949, or Deaton, U.S. Patent Application No. 2002/0073019. The Examiner also rejected claims 1-3 under 35 U.S.C. § 102(a) as being clearly anticipated by Stinson *et al.*, U.S. Patent No. 6,145,738 or 6,045,039, or Page, U.S. Patent No. 6,464,134. The Examiner also rejected claims 1-3 under 35 U.S.C. § 102(b) as being clearly anticipated by Creekmore, U.S. Patent No. 4,187,498 or 4,109,238. Applicants respectfully disagree with these rejections.

Applicants' invention provides, *inter alia*, for removing the negative information about individual check writers classified within a set of categories. With regard to the references listed by the Examiner, none appear to teach or fairly suggest such removal of negative information.

Applicants believe claims 9-16 meet all substantive requirements for patentability. Applicants therefore respectfully request allowance of this application. No fee is believed to be due by filing this paper. However, any fee due may be withdrawn from Deposit Account No. 02-3978 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted for  
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